

United States Bankruptcy Court
Eastern District of Virginia
Richmond Division

In re:
Circuit City Stores, Inc.

Case Number 08-35653-KRH
Chapter 11
Judge Kevin R. Huennekens

Debtor(s)

To: David Ervin, Esq.

NOTICE OF DEFICIENT FILING

Upon authority of Local Bankruptcy Rule 5005-1, the documents submitted by you

1345 – Notice of Appeal Re: Decision, dated December 22, 2008, denying the various motions for an Order compelling the Debtors to immediately pay post-petition rent pursuant to sections 365(d)(3) and 503(b)(1)(A) of the Bankruptcy Code [Order Not Entered on Docket] filed by David J. Ervin of Kelley, Drye & Warren, LLP on behalf of Ashkenazy Management Corp., Basser-Kaufman, Benderson Development Company, LLC, Continental Properties Company, Inc., Developers Diversified Realty Corporation, General Growth Properties, Inc., Jones Lang LaSalle Americas, Inc., Philips International, Regency Centers, L.P., Weingarten Realty Investors and Its Affiliates. Appellant Designation due by 1/12/2009. (Ervin, David)

1349 – Affidavit of Service (Re: related document(s)[1345] Notice of Appeal,, filed by Developers Diversified Realty Corporation, Basser-Kaufman, Jones Lang LaSalle Americas, Inc., Weingarten Realty Investors and Its Affiliates, General Growth Properties, Inc., Philips International, Ashkenazy Management Corp., Regency Centers, L.P., Continental Properties Company, Inc., Benderson Development Company, LLC) filed by David J. Ervin of Kelley, Drye & Warren, LLP on behalf of Ashkenazy Management Corp., Basser-Kaufman, Benderson Development Company, LLC, Continental Properties Company, Inc., Developers Diversified Realty Corporation, General Growth Properties, Inc., Jones Lang LaSalle Americas, Inc., Philips International, Regency Centers, L.P., Weingarten Realty Investors and Its Affiliates. (Ervin, David)

contain certain deficiencies as set forth below. Failure to correct the deficiencies, or to request a hearing, within **ten (10) days from** the date hereof may result in the pleading or other paper **being stricken from the record or, if a petition or complaint is deficient, the case or adversary proceeding being dismissed.**

REPRESENTATION AND APPEARANCES:

- XX the ECF registered participant attorney filing the document does not match the attorney's signature on the document.
- **Requirement of Counsel:** filed on behalf of an entity not a natural person acting on own behalf and not signed by counsel permitted to appear under LBR 2090-1. [See LBR 9010-1]
- **Identification of Attorney:** State Bar number omitted from document/proposed order. {See LBR 5005-1(C)(5) and 9022-1(A)}

REQUIREMENT OF FORM:

- **Legibility:** not in compliance with LBR 5005-1(C)(1)
- **Caption, Official Forms:** [See LBR 5005-1(C)(2)] Every paper must bear the debtor(s) name, the case number and chapter of the case to which it pertains. *If applicable,* Case name and number do not match on paper submitted.
- **Signature Required:** not signed by counsel of record, or individual, if *pro se* .
 - *if corporation*, not signed by counsel. [See LBR 5005-1(C)(4)]
 - *if amendment to petition, lists or schedules*, not verified by unsworn declaration with original signature of all debtors and, if required, the original signature of the attorney. [See FRBP 1008]
 - *if document submitted in electronically filed case*, signature not indicated with the party's name and/or attorney's name typed in full on the signature line, e.g. */s/* Jane Doe, or a handwritten, scanned signature. [See II.C.1. Administrative Procedures for Filing, Signing, Maintaining and Verifying Pleadings and paper in the CM/ECF System]
- Document does not appear to be complete. Please review this filing for possible error and relate any amendment/correction to the original document.
- Document does not match the event entry used for docketing. Please review this filing and redocket using the correct event entry or redocket to attach the correct document.
- Document appears to be filed in the wrong case. Please review this filing and docket to the correct case.

VOLUNTARY PETITIONS:

- Not accompanied by a properly completed Voluntary Petition and/or required summary of schedules (2-pages), statements, schedules, lists and exhibits in substantial compliance with the Official Forms effective January 1, 2008. A form may be obtained from the court's web site at www.vaeb.uscourts.gov.
- Not accompanied by payment in full of past due amount, if debtor still owes filing fee or portion thereof for a previously filed petition. Amount due: \$.
- More than one entity listed as the debtor (*only husband and wife may file a joint voluntary petition*) .

Not accompanied by a properly completed and signed Declaration of Divisional Venue. A form may be obtained from the court's web site at www.vaeb.uscourts.gov . [See LBR 1014-2]

— Not verified by signature of attorney for debtor(s).

— Not verified by unsworn declaration with signature of all debtors.

— **If corporate debtor:** not accompanied by corporate resolution authorizing filing **and/or** not signed by attorney. [See LBR 1074-1]

— **If Chapter 11:** not accompanied by List of Twenty Largest Unsecured Claims. [See LBR 1007-1(H)]

— **If publicly traded chapter 11:** not accompanied by Exhibit A (attached to petition).

— **If submitted in electronically filed case,** a correct petition not attached at case opening. [See LBR 5005-1(C) and (D)]

Date: January 5, 2009

Clerk, United States Bankruptcy Court

By /s/ Jenni Jafarbay , Deputy Clerk
Direct Dial Telephone No. 804-916-2411

[ntcdef_filing.jsp 9/2008]